

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SUMMIT FAMILY MEDICAL PRACTICE, P.C.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action
	:	No. 02-3783
THE PHILADELPHIA CONTRIBUTIONSHIP	:	
INSURANCE COMPANY,	:	
	:	
Defendant.	:	

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF
MOTION FOR RECONSIDERATION OF THE ORDER
GRANTING PLAINTIFF'S MOTION TO COMPEL DISCOVERY
AND FOR PROTECTIVE ORDER

1. With respect to the reconsideration, this Honorable Court is respectfully referred to the Opposition to the Motion to Compel Discovery which was mailed on October 16, 2002, exactly six (6) days after Plaintiff's Motion to Compel Discovery was mailed to the Defendant.

2. If the Court determines that discovery should properly go forward, then in that event, Defendant requests this Honorable Court to limit the scope of the written discovery sent by the Plaintiff. Specifically, Rule 33(a) of the Federal Rules of Civil Procedure limit the number of Interrogatories propounded by a party. The Rule provides that

*Without leave of court or written stipulation,
any party may serve upon any other party written
interrogatories, not exceeding 25 in number
including all discreet subparts ...*

3. In this relatively simple matter, the Plaintiff has

propounded a total of 38 Interrogatories each with a number of

discreet subparts. Counting those subparts as separate Interrogatories would bring the total number of Interrogatories to well over 50 in number.

4. Plaintiff has not sought leave of court to seek additional Interrogatories, nor has the Defendant previously agreed to permit a greater number than is normally permitted under the rules.

WHEREFORE, the Defendant respectfully requests this Honorable Court to strike the discovery propounded as it was not timely filed, or, alternatively, to the requisite number of Interrogatories as required under the Federal Rules of Civil Procedure.

Respectfully submitted,
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